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Public Law
124th Legislature
Second Regular Session

Chapter 516
H.P. 1159 - L.D. 1631

**An Act To Provide Leadership Regarding the
Responsible Recycling of Consumer Products**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA c. 18 is enacted to read:

CHAPTER 18

PRODUCT STEWARDSHIP

§ 1771. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Brand. "Brand" means a name, symbol, word or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand.

2. Producer. "Producer" means a person that:

A. Has legal ownership of the brand of a product sold in or into the State;

B. Imports a product branded by a person that meets the requirements of paragraph A and has no physical presence in the United States; or

C. Sells a product in the State at wholesale or retail, does not have legal ownership of the brand of the product and elects to fulfill the responsibilities of the producer for that product.

3. Product. "Product" means an item intended for sale within the State that is identified pursuant to section 1772 as appropriate for a product stewardship program.

4. Product category. "Product category" means a group of similar products designated pursuant to section 1772 for the purpose of establishing product stewardship programs.

5. Product stewardship. "Product stewardship" means a producer's taking responsibility for managing and reducing the life-cycle impacts of the producer's product, from product design to end-of-life management.

6. Product stewardship program. "Product stewardship program" means a program financed without a visible fee at purchase either managed or provided by producers and includes, but is not limited to, the collection, transportation, reuse and recycling or disposal, or both, of unwanted products.

7. Recycling. "Recycling" means the transforming or remanufacturing of an unwanted product or the unwanted product's components and by-products into usable or marketable materials. "Recycling" does not include landfill disposal, incineration or energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste.

8. Reuse. "Reuse" means a change in ownership of a product or component in a product for use in the same manner and purpose for which it was originally produced.

9. Unwanted product. "Unwanted product" means a product that is no longer wanted by its owner or that has been abandoned or discarded or is intended to be discarded by its owner.

§ 1772. Identification of candidate products; report

1. Policy; report. It is the policy of the State, consistent with its duty to protect the health, safety and welfare of its citizens, to promote product stewardship to support the State's solid waste management hierarchy under chapter 24. In furtherance of this policy, the department may collect information available in the public domain regarding products in the waste stream and assist the Legislature in designating products or product categories for product stewardship programs in accordance with this chapter. By January 15, 2011, and annually thereafter, the department may submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on products and product categories that when generated as waste may be appropriately managed under a product stewardship program.

2. Recommendations. The report submitted under subsection 1 may include recommendations for establishing new product stewardship programs and changes to existing product stewardship programs. The department may identify a product or product category as a candidate for a product stewardship program if the department determines one or more of the following criteria are met:

- A. The product or product category is found to contain toxics that pose the risk of an adverse impact to the environment or public health and safety;
- B. A product stewardship program for the product will increase the recovery of materials for reuse and recycling;
- C. A product stewardship program will reduce the costs of waste management to local governments and taxpayers;
- D. There is success in collecting and processing similar products in programs in other states or countries; and

E. Existing voluntary product stewardship programs for the product in the State are not effective in achieving the policy of this chapter.

3. Draft legislation. The report submitted under subsection 1 must include draft legislation if any is necessary to implement a product stewardship program requirement for the product or product category.

4. Public comments. At least 30 days before submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over natural resources matters, the department shall post the report on its publicly accessible website. Within that period of time, a person may submit to the department written comments regarding the report. The department shall submit all comments received to the committee with the report.

§ 1773. Establishment of product stewardship programs

Annually, after reviewing the report submitted by the department pursuant to section 1772, the joint standing committee of the Legislature having jurisdiction over natural resources matters may submit a bill to implement recommendations included in the department's report to establish new product stewardship programs or revise existing product stewardship programs.

§ 1774. Exclusions

This chapter does not apply to:

1. Motor vehicles and watercraft. Motor vehicles as defined in Title 29A, section 101, subsection 42 and watercraft as defined in Title 12, section 13001, subsection 28 or their component parts; and

2. Pulp and paper manufacturers. Pulp and paper manufacturers except conversion facilities for consumer product packaging.

§ 1775. No limitation of municipal authority

Nothing in this chapter changes or limits municipal authority to regulate collection of solid waste, including curbside collection of residential recyclable materials.

Effective July 12, 2010